

104TH CONGRESS
2D SESSION

H. R. 3713

To amend title 38, United States Code, to improve health care services for women veterans provided by the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1996

Ms. BROWN of Florida introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve health care services for women veterans provided by the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Women Veterans
5 Health Equity Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Health care for veterans has traditionally
9 been considered in terms of male veterans.

1 (2) Women constitute nearly 5 percent of the
2 total veteran population, a percentage that is grow-
3 ing.

4 (3) There are currently 1,200,000 female veter-
5 ans in the United States, a number which is steadily
6 increasing.

7 (4) Thirty percent of women using Department
8 of Veterans Affairs facilities report some form of
9 sexual assault or sexual trauma during their military
10 service.

11 **SEC. 3. TIMELY AND APPROPRIATE HEALTH CARE SERV-**
12 **ICES FOR WOMEN.**

13 (a) ENSURED PROVISION OF SERVICES.—The Sec-
14 retary of Veterans Affairs shall ensure that each health-
15 care facility under the direct jurisdiction of the Secretary
16 is able, through services made available either by individ-
17 uals appointed to positions in the Veterans Health Admin-
18 istration or under contracts or other agreements made
19 under section 7409, 8111, or 8153 of title 38, United
20 States Code, or title II of Public Law 102–585, to provide
21 in a timely and appropriate manner women’s health serv-
22 ices (as defined in section 1701(10) of title 38, United
23 States Code (as added by section 4) to any veteran de-
24 scribed in section 1710(a)(1) of title 38, United States
25 Code, who is eligible for such services.

1 (b) HEALTH CARE SERVICES TO BE PROVIDED DI-
 2 RECTLY WHEN COST EFFECTIVE.—(1) The Secretary
 3 shall ensure that each health-care facility under the direct
 4 jurisdiction of the Secretary shall provide women’s health
 5 services directly (rather than by contract or other agree-
 6 ment) when it is cost effective to do so.

7 (2) The Secretary shall ensure that each such facility
 8 is provided appropriate equipment, treatment facilities,
 9 and staff to carry out paragraph (1) and to ensure that
 10 the quality of care provided under that paragraph is in
 11 accordance with professional standards.

12 (c) CONFORMING REPEAL.—Section 302 of the Vet-
 13 erans’ Health Care Amendments of 1983 (Public Law 98–
 14 160; 97 Stat. 1004; 38 U.S.C. 1701 note) is repealed.

15 **SEC. 4. WOMEN’S HEALTH SERVICES.**

16 (a) WOMEN’S HEALTH SERVICES.—Section 1701 of
 17 title 38, United States Code, is amended—

18 (1) in paragraph (6)(A)(i), by inserting “wom-
 19 en’s health services,” after “preventive health serv-
 20 ices,”; and

21 (2) by adding at the end the following:

22 “(10) The term ‘women’s health services’ means
 23 health care services provided to women. Such term in-
 24 cludes counseling and services relating to the following:

25 “(A) Papanicolaou tests (pap smear).

1 “(B) Breast examinations and mammography.

2 “(C) The treatment, management, and preven-
3 tion of sexually transmitted diseases.

4 “(D) Hormone replacement therapy.

5 “(E) Menopause, osteoporosis, senility, and
6 other conditions relating to aging.

7 “(F) Cardiac care.

8 “(G) Physical and psychological conditions aris-
9 ing out of acts of sexual violence or sexual intima-
10 tion.

11 “(H) Well-baby care and pediatrics.

12 “(I) Physical and psychological conditions that
13 result from homelessness.”.

14 (b) CONTRACTS FOR WOMEN’S HEALTH SERVICES.—
15 Section 1703(a) of such title is amended by adding at the
16 end the following:

17 “(9) Women’s health services for veterans on
18 an ambulatory or outpatient basis.”.

19 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
20 106 of the Veterans Health Care Act of 1992 (Public Law
21 102–585; 38 U.S.C. 1710 note) is amended—

22 (1) by striking out subsection (a); and

23 (2) by striking out “(b) RESPONSIBILITIES OF
24 DIRECTORS OF FACILITIES.—” before “The Sec-
25 retary”.

1 **SEC. 5. PRIMARY CARE SERVICES.**

2 (a) TRAINING OF PRIMARY CARE PHYSICIANS.—The
3 Secretary of Veterans Affairs shall ensure that primary
4 care physicians of the Department of Veterans Affairs are
5 trained and prepared to ask the appropriate questions in
6 regard to the possibility that a patient who is a woman
7 veteran may have experienced sexual assault or sexual
8 trauma while in active military, naval, or air service.

9 (b) PREGNANCY CARE FOR WOMEN VETERANS WITH
10 SERVICE-CONNECTED DISABILITY.—The Secretary of
11 Veterans Affairs shall make available to any pregnant vet-
12 eran who has a service-connected disability pregnancy care
13 services, including pre-natal, delivery, and post-natal care.

14 **SEC. 6. OUTREACH SERVICES FOR HOMELESS WOMEN VET-**
15 **ERANS.**

16 Section 7722(e) of title 38, United States Code, is
17 amended by adding at the end the following new sentence:
18 “In carrying out this subsection, the Secretary shall take
19 such steps as may be necessary to ensure that homeless
20 women veterans are included in such outreach programs
21 and outreach services. Such programs and services for
22 women veterans shall include the following:

23 “(1) Crisis counseling and psychological testing
24 for Post-Traumatic Stress Disorder and other manic
25 depressive illnesses.

26 “(2) Transportation for outreach assistance.

1 “(3) Priority placement for inpatient services.

2 “(4) Follow-up and after-care treatment.”.

3 **SEC. 7. SAFE AND EFFECTIVE TREATMENT FOR WOMEN**

4 **PSYCHIATRIC PATIENTS.**

5 (a) **SAFE AND EFFECTIVE TREATMENT.**—The Sec-
6 retary of Veterans Affairs shall ensure that women veter-
7 ans who receive psychiatric treatment from the Secretary,
8 particularly in the case of women who are sexually trau-
9 matized, receive such treatment (on both an inpatient and
10 outpatient basis) in a safe and effective manner that rec-
11 ognizes the privacy needs of such women. The Secretary
12 shall ensure strict confidentiality for women veterans re-
13 ceiving such treatment. Services to be provided women vet-
14 erans who require such treatment shall include the follow-
15 ing:

16 (1) Private counseling.

17 (2) A comprehensive medical examination and
18 evaluation.

19 (b) **PARTNERSHIPS TO PROVIDE TEMPORARY SHEL-**
20 **TER.**—As part of a program of treatment under sub-
21 section (a), the Secretary shall establish partnerships with
22 nonprofit entities to provide temporary housing for home-
23 less women veterans until their mental condition is sta-
24 bilized.

1 **SEC. 8. MAMMOGRAPHY QUALITY STANDARDS.**

2 (a) IN GENERAL.—(1) Subchapter II of chapter 73
3 is amended by adding at the end the following new section:

4 **“§ 7319. Mammography quality standards**

5 “(a) A mammogram may not be performed at a De-
6 partment facility unless that facility is accredited for that
7 purpose by a private nonprofit organization designated by
8 the Secretary. An organization designated by the Sec-
9 retary under this subsection shall meet the standards for
10 accrediting bodies established under section 354(e) of the
11 Public Health Service Act (42 U.S.C. 263b(e)).

12 “(b) The Secretary, in consultation with the Sec-
13 retary of Health and Human Services, shall prescribe
14 quality assurance and quality control standards relating
15 to the performance and interpretation of mammograms
16 and use of mammogram equipment and facilities of the
17 Department of Veterans Affairs consistent with the re-
18 quirements of section 354(f)(1) of the Public Health Serv-
19 ice Act. Such standards shall be no less stringent than
20 the standards prescribed by the Secretary of Health and
21 Human Services under section 354(f) of the Public Health
22 Service Act.

23 “(c)(1) The Secretary, to ensure compliance with the
24 standards prescribed under subsection (b), shall provide
25 for an annual inspection of the equipment and facilities
26 used by and in Department health care facilities for the

1 performance of mammograms. Such inspections shall be
 2 carried out in a manner consistent with the inspection of
 3 certified facilities by the Secretary of Health and Human
 4 Services under section 354(g) of the Public Health Service
 5 Act.

6 “(2) The Secretary may not provide for an inspection
 7 under paragraph (1) to be performed by a State agency.

8 “(d) The Secretary shall ensure that mammograms
 9 performed for the Department under contract with any
 10 non-Department facility or provider conform to the quality
 11 standards prescribed by the Secretary of Health and
 12 Human Services under section 354 of the Public Health
 13 Service Act.

14 “(e) For the purposes of this section, the term ‘mam-
 15 mogram’ has the meaning given such term in paragraph
 16 (5) of section 354(a) of the Public Health Service Act (42
 17 U.S.C. 263b(a)).”.

18 (2) The table of sections at the beginning of such
 19 chapter is amended by inserting after the item relating
 20 to section 7318 the following new item:

“7319. Mammography quality standards.”.

21 (b) DEADLINE FOR PRESCRIBING STANDARDS.—The
 22 Secretary of Veterans Affairs shall prescribe standards
 23 under subsection (b) of section 7319 of title 38, United
 24 States Code, as added by subsection (a), not later than

1 the end of the 120-day period beginning on the date of
2 the enactment of this Act.

3 (c) IMPLEMENTATION REPORT.—The Secretary of
4 Veterans Affairs shall submit to the Committees on Veter-
5 ans' Affairs of the Senate and House of Representatives
6 a report on the Secretary's implementation of section
7 7319 of title 38, United States Code, as added by sub-
8 section (a). The report shall be submitted not later than
9 120 days after the later of (1) the date on which the Sec-
10 retary prescribes the quality standards required under
11 subsection (b) of that section, or (2) the date of the enact-
12 ment of this Act.

13 **SEC. 9. COORDINATION OF SERVICES.**

14 Section 108 of the Women Veterans Health Pro-
15 grams Act of 1992 (title I of Public Law 102–585; 38
16 U.S.C. 1710) is amended—

17 (1) by inserting “(a)” at the beginning of the
18 text of the section; and

19 (2) by adding at the end the following:

20 “(b)(1) Each coordinator of women's services under
21 subsection (a) shall serve in that capacity on a full-time
22 basis, with the duties of that position being that official's
23 principal responsibility.

24 “(2) The Secretary shall ensure that (subject to the
25 availability of appropriations) sufficient resources are pro-

1 vided to each such coordinator to enable that coordinator
2 to carry out the functions of the coordinator under this
3 section and shall ensure that each such coordinator has
4 direct access to the Chief of Staff of each Department
5 medical facility in that coordinator's region.”.

6 **SEC. 10. PATIENT PRIVACY FOR WOMEN PATIENTS.**

7 (a) IDENTIFICATION OF DEFICIENCIES.—The Sec-
8 retary of Veterans Affairs shall conduct a survey of each
9 medical center under the jurisdiction of the Secretary to
10 identify deficiencies relating to patient privacy afforded to
11 women patients in the clinical areas at each such center
12 which may interfere with appropriate treatment of such
13 patients.

14 (b) CORRECTION OF DEFICIENCIES.—The Secretary
15 shall ensure that plans and, where appropriate, interim
16 steps, to correct the deficiencies identified in the survey
17 conducted under subsection (a) are developed and are in-
18 corporated into the Department's construction planning
19 processes and given a high priority.

20 (c) REPORTS TO CONGRESS.—The Secretary shall
21 compile an annual inventory, by medical center, of defi-
22 ciencies identified under subsection (a) and of plans and,
23 where appropriate, interim steps, to correct such defi-
24 ciencies. The Secretary shall submit to the Committees on
25 Veterans' Affairs of the Senate and House of Representa-

1 tives, not later than October 1, 1997, and not later than
2 October 1 each year thereafter through 2000 a report on
3 such deficiencies. The Secretary shall include in such re-
4 port the inventory compiled by the Secretary, the proposed
5 corrective plans, and the status of such plans.

6 **SEC. 11. OUTREACH SERVICES.**

7 The Secretary of Veterans Affairs shall carry out a
8 program of advertising in mass media to inform women
9 veterans of the health services available to them through
10 the Department of Veterans Affairs.

